

Second day of the Thirteenth Meeting
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BORDER SECURITY AND MANAGEMENT CONCEPT

Framework for Co-operation by the OSCE Participating States

Chapter I: The OSCE participating States' commitments

1 Recognizing that border security and management is a matter of the national sovereignty and responsibility of States, the OSCE participating States reaffirm their commitment to promoting open and secure borders in a free, democratic and more integrated OSCE area without dividing lines. In doing so, they also commit themselves to co-operate following the principles of international law, mutual confidence, equal partnership, transparency and predictability, and pursuing a comprehensive approach in a spirit that would facilitate friendly relations between States.

2. The OSCE participating States reaffirm the obligations and commitments on border-related issues that they have undertaken at all levels:

2.1 At the global level: On border security and management issues, the participating States reaffirm their commitments under international law, in particular international human rights, refugee and humanitarian law, and may consider as well standards and recommendations laid down by the World Customs Organization, the International Organization for Migration, the International Labour Organization, the United Nations High Commissioner for Refugees and other relevant international organizations;

2.2 At the OSCE level: The participating States reaffirm the norms, principles, commitments and values enshrined in the Helsinki Final Act, all of which apply equally and unreservedly, each of them being interpreted taking into account the others. They reaffirm the principles and commitments contained in the Copenhagen Document 1990, the Helsinki Document 1992 and the Charter for European Security 1999. They recall the action plans, decisions and other relevant agreed OSCE documents which address border-related issues. In particular, strengthening OSCE capacities to promote open and secure borders and enhancing mutually beneficial inter-State co-operation are means to address the threats of terrorism, organized crime, illegal migration, and the illicit trafficking in weapons, drugs and human beings, as identified in paragraph 35 of the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century;

- 2.3 At the regional and subregional levels: In the same spirit, the participating States reaffirm their obligations and commitments in all regional and subregional formats in which they are members and undertake to promote their co-operation in all relevant organizations and agencies in order to ensure consistency in policies and standards and to avoid duplication of efforts;
- 2.4 Bilaterally: In a spirit of solidarity, and aiming at good neighbourly relations, the participating States will respect their bilateral agreements on border-related issues and undertake efforts to promote sharing of experience and good practices.

Chapter II: Main objectives of co-operation

3. Co-operation by the participating States is aimed at promoting the implementation of border-related commitments. It should foster compliance with border-related security and management standards recognized by the participating States, as well as their improvement, *inter alia*, based on sharing of good practices.

4. The participating States will promote co-operation between their border services, customs authorities, agencies issuing travel documents and visas, and law enforcement and migration agencies, as well as other competent national structures, with a view to achieving the following aims:

- 4.1 To promote free and secure movement of persons, goods, services and investments across borders, in conformity with relevant legal frameworks, international law and OSCE commitments, *inter alia*, through enhancing the security of travel documents and encouraging, as appropriate, circumstances that could allow liberalization of visa regimes, in the spirit of the commitments under the documents mentioned above;
- 4.2 To reduce the threat of terrorism, including by preventing cross-border movement of persons, weapons and funds connected with terrorist and other criminal activities;
- 4.3 To prevent and repress transnational organized crime, illegal migration, corruption, smuggling and trafficking in weapons, drugs and human beings;
- 4.4 To promote high standards in border services and competent national structures;
- 4.5 To promote dignified treatment of all individuals wanting to cross borders, in conformity with relevant national legal frameworks, international law, in particular human rights, refugee, and humanitarian law, and relevant OSCE commitments;
- 4.6 To create beneficial conditions for social and economic development in border territories, as well as for the prosperity and cultural development of persons

belonging to all communities residing in border areas, with access to all opportunities;

- 4.7 To foster prospects for joint economic development and help in establishing common spaces of freedom, security and justice in the OSCE area;
- 4.8 To ensure the security of the international transport circuit for supply of commodities.

Chapter III: Principles of co-operation by the OSCE participating States on border-related issues

Guided by the OSCE co-operative approach,

5. The participating States agree that their common prosperity and security can be enhanced through an increase in beneficial cross-border movements of people, goods, services and investments.
6. Issues of a regulatory nature raised by cross-border movements can best be addressed through direct co-operation between the border services and competent national structures of the participating States, based on relevant agreements. This co-operation should take place at the bilateral, regional and multilateral levels.
7. Sovereign national authorities, and in particular the border services responsible on each side of the border, have the best knowledge of the issues at hand. Cross-border dialogue, transparency and confidence-building constitute the first logical steps towards generating solutions with added value to the benefit of all.
8. Borders in the OSCE are not uniform. Every border has a particular character and may call for specific policy choices. Each participating State has the sovereign right to choose how to secure and manage its borders, taking into account relevant political, military, economic and social considerations.

Chapter IV: OSCE contribution

9. In keeping with its concept of common, comprehensive, co-operative and indivisible security, the OSCE constitutes an appropriate political framework and offers the services of its structures and institutions for contributions. It acts upon the request of participating States and in a spirit of solidarity and partnership, based on mutual interest and respect. In case the OSCE offers its contribution in border areas between participating States it will act after close consultation with and taking into account the views expressed by these participating States.
10. OSCE work in support of border security and management will be based on realism and pragmatism. It will make the best use of OSCE structures and institutions, the strengthening of which should be considered. OSCE border-related activities are subject to ongoing periodic review and monitoring by the OSCE decision-making bodies and through the budgetary process.

11. The OSCE will ensure a continued political dialogue on border-related issues, through discussions in an appropriate consultative working structure on the implementation of the commitments and the future development of co-operation by the participating States in this area, as well as on providing guidance regarding border activities to the OSCE structures and institutions.

12. The OSCE remains a forum for dialogue and conflict-resolution through peaceful dialogue. The OSCE Court of Conciliation and Arbitration is in this respect a tool available to States recognizing its jurisdiction, to be consulted and to provide confidential legal opinion upon request.

13. The possible OSCE contribution may be put into practice, *inter alia*, through the following methods:

- Exchange of information, experience and best practices;
- Establishment of “points of contact” and national focal points;
- Holding of workshops and conferences, including with the participation of experts;
- Maintaining contacts and interaction with the competent international and regional organizations.

A more detailed list of possible OSCE contributions is contained in the Annex.

Chapter V: OSCE external co-operation with international organizations and partners

14. The OSCE can offer its organizational framework for interaction on border-related issues with international regional and subregional organizations, in accordance with the Platform for Co-operative Security.

15. International co-operation and assistance could benefit from a more target-oriented and co-ordinated approach. The OSCE should continue political and operational co-ordination with other international organizations and institutions in promoting open and secure borders. Complementarity, comparative advantage and added value should guide the co-ordinated approach, *inter alia*, through concerted actions and joint deployment of international resources.

16. As a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE is also a forum for co-operation with subregional organizations in its area. Increased co-ordination on border security and management at the subregional level may constitute a stepping stone towards the OSCE-wide establishment of open and secure borders.

17. The provisions of this Concept will be shared by the Partners for Co-operation, on a voluntary basis.

POSSIBLE OSCE CONTRIBUTIONS

Upon the request of interested participating States and where they can provide comparative advantage and added value, the contributions of the OSCE, based on lessons learned from border-related programmes, could take, *inter alia*, the following forms:

A. Facilitation:

1. Political dialogue between participating States on border-related issues, including OSCE good offices;
2. Confidence-building measures in border areas, as referred to by relevant OSCE documents, as well as by decisions elaborated by the Forum for Security Co-operation;
3. Technical dialogue between national border services and competent national structures, through exchanges of information at all levels;
4. Possible mobilization and co-ordination of assistance.

B. General forms of contribution:

1. Technical assistance in the development and implementation of national strategies and action plans, based on the vision of national authorities and their existing commitments, if a State so requests;
2. Technical assistance in development, adaptation and harmonization of relevant legislation;
3. Technical assistance in enhancing the effectiveness of border structures through the sharing of best practices;
4. Technical assistance in the development and implementation of training plans and programs through the sharing of good practices and international exchanges;
5. Overall information sharing by creating, *inter alia*, an awareness of resources that comprise all available international experience, including new technologies and know-how, for example on rapid but effective border controls, border checkpoint construction, etc.;
6. Identification of sources for available equipment and supplies appropriate to border services, with the aim of their possible mobilization.

C. Possible specialized assistance in the following fields:

1. Combating terrorism, transnational organized crime, illegal migration and illicit trafficking in nuclear, biological, chemical and conventional weapons and their means of delivery and related materials, hazardous wastes, drugs and human beings:

- (i) Strengthening of international exchange networks and information-sharing on the above-mentioned threats and challenges to security;
- (ii) Crime-specific training for border services and competent national structures;
- (iii) Identification of sources for crime-specific equipment and supplies and, if possible, mobilization of available resources;
- (iv) Technical and non-technical means of detection of illegal or false documents aiming at improving the security of travel documents and visas;
- (v) Encouragement for the conclusion and implementation of agreements on cross-border co-operation;
- (vi) Promotion of the implementation and development of multilateral international norms and practices, in conformity with international legal frameworks, regarding extradition and other forms of legal co-operation on criminal matters related to terrorism and other serious crimes, on aspects related to border security and management;
- (vii) Enhancement of co-operation aimed at preventing and countering the threat of illicit trafficking in drugs.

2. Free and secure movement of persons:

- (i) Technical assistance and expert advice on exit and entry procedures, including on simplification of visa procedures, as appropriate;
- (ii) Expert advice on enhancing the security of travel documents;
- (iii) Facilitation of free and secure movement of persons across borders;
- (iv) Promotion and expert advice by the OSCE structures and institutions on the rights and development interests of persons belonging to all communities living in border areas without prejudice toward persons belonging to national minorities;
- (v) Awareness-raising on the rights of migrants and asylum seekers.

3. Economic and environmental field:

- (i) Sharing of best practices on border-crossing and customs procedures for import, export and transit, in particular to ensure the security of the international transport circuit;
- (ii) Promotion of economic cross-border co-operation and facilitation of local border trade;
- (iii) Fostering of cross-border co-operation on environmental issues that have an impact on local community development;
- (iv) Facilitation of cross-border co-operation in case of natural disasters or serious accidents in border zones;
- (v) Ensuring of the security of the international transport circuit for the supply of commodities, including through the establishment of a system for providing preliminary information on goods and vehicles transferred across borders.

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Attachment

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**INTERPRETATIVE STATEMENT UNDER PARAGRAPH 79
(CHAPTER 6) OF THE FINAL RECOMMENDATIONS OF THE
HELSINKI CONSULTATIONS**

By the Delegation of Georgia:

“In regard to the adoption of the OSCE Border Security and Management Concept, the Delegation of Georgia would like to make an interpretative statement under paragraph 79, Chapter 6, of the Final Recommendations of the Helsinki Consultations.

Having joined others on the consensus regarding the adoption of the OSCE Border Security and Management Concept, Georgia underlines that all possible OSCE contributions mentioned in the Annex to the OSCE Border Security and Management Concept may be carried out only in full respect of the national sovereignty and taking fully into account the concerns of the country that is offered such possible OSCE contributions.

Mr. Chairperson,

We request that this statement be attached to the just adopted OSCE Border Security and Management Concept.

Thank you.”